

CASE OF JAMES H. PECK.

IN SENATE OF THE UNITED STATES,

DECEMBER 21, 1830.

The following documents were ordered to be printed for the use of the Senate. (Vide reports of committees of the House of Representatives United States, 1st Session 21st Congress, No. 325, pages 4 and 25 to 28.)

Know all men by these presents, that I, Marie P. Leduc, am held and firmly bound unto the United States in the penal sum of five hundred dollars, to the payment of which, well and truly to be made, I bind myself, my heirs, administrators, and executors, firmly by these presents. Sealed with my seal, and dated this thirtieth day of December, eighteen hundred and twenty-five.

The condition of the above obligation is such, that, whereas Julie Soulard, widow, James G. Soulard, Henry G. Soulard, Eliza Soulard, and Benjamin A. Soulard, children and heirs of Antoine Soulard, deceased, have this day prayed for and obtained an appeal to the Supreme Court of the United States, from the decree of this court of the United States for the Missouri district against them, in a suit wherein they are petitioners, and the United States are defendants: Now if the said petitioners shall well and truly prosecute the said appeal with effect, and shall pay all costs occasioned by them in the prosecution of the same, and shall well and truly pay all costs which may be adjudged against them in said suit, then the above obligation to be void; otherwise to remain in full force and effect.

M. P. LEDUC, [L. s.]

Be it remembered, that, at a court of the United States for the Missouri district, begun and held at the city of St. Louis, within and for said district, on the third Monday of April, in the year of our Lord one thousand eight hundred and twenty-six, under the authority of an act of Congress, entitled "An act enabling the claimants to lands within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims," the following proceedings were had in said court, to wit: "The court being satisfied, from the evidence of Luke E. Lawless, that Stephen W. Foreman, of this city, is the editor and publisher of the Missouri Advocate and St. Louis Enquirer, published in the said city, and that the paper of that name of the eighth of April instant, which contains a false statement of and concerning a certain judicial decision made in the case of Julie Soulard, widow, and James G. Soulard, Henry G. Soulard, Eliza Soulard, and Benjamin A. Soulard, children and heirs of Antoine Soulard, deceased, against the United States, issued from the press of the said

Stephen W. Foreman—it is ordered, that the said Stephen W. Foreman show cause on to-morrow morning, at eleven o'clock, why an attachment should not issue against him for a contempt of this court, in publishing the said false statement, tending to bring odium on the court, and to impair the confidence of the public in the purity of its decisions."

Thursday, April 20, 1826.

THE UNITED STATES, }
 vs. } *Rule for an attachment.*
 Stephen W. Foreman. }

In this case, the defendant having appeared, and for cause shows that he is not the author of the said publication, and submits himself to the court, and purges himself of all contempt. It is therefore ordered that the rule be discharged.

The court being satisfied, upon the oath of Stephen W. Foreman, made in open court, that Luke E. Lawless, an attorney and counsellor of this court, is the author of a certain publication over the signature of "A Citizen," in a public paper printed in this city, by the name of the "Missouri Advocate and St. Louis Enquirer," issued on the eighth of April of this instant, it is ordered that the said Luke E. Lawless show cause forthwith why an attachment should not be issued against him for the false and malicious statements in the said publication contained, in relation to a judicial decision of this court, in the case of Julia Soulard, widow, James G. Soulard, Henry G. Soulard, Eliza Soulard, and Benjamin A. Soulard, children and heirs of Antoine Soulard, deceased, against the United States, lately pending and determined therein, with intent to impair the public confidence in the upright intentions of the said court, and to bring odium upon the court; and especially with intent to impress the public mind, and particularly many litigants in this court, that they are not to expect justice in the causes now pending therein; and with intent, further, to awaken hostile and angry feelings on the part of the said litigants against the said court, in contempt of the same court. And that he also show cause why he should not be suspended from practising in this court, as an attorney and counsellor therein, for the said contempt and evil intent.

Friday, April 21, 1826.

UNITED STATES,
 vs.
 Luke E. Lawless.

And the defendant, Luke E. Lawless, having appeared, in obedience to the rule against him, to show cause why an attachment should not issue against him, and having been heard by counsel against the emanation of the said writ in the said rule mentioned; having been also heard by counsel against the said rule to show cause why he should not be suspended from practising as an attorney and counsellor in this court; and the court having considered all and singular the premises, and for that it seems to the court that the said defendant, Luke E. Lawless, had committed a contempt, in manner and form as in the said rule is charged, it is ordered that an attachment issue against him, returnable forthwith. Which attachment was issued in the words and figures following, to wit:

MISSOURI DISTRICT, *scd.*

The President of the United States of America,

To the Marshal of said district, greeting:

You are hereby commanded to attach the body of Luke E. Lawless, and him forthwith have before the court of the United States for the Missouri district, now in session at the city of St. Louis, to answer unto the United States, touching a certain contempt by him committed, in publishing a false statement of the decision of said court, in the case of Julia Soulard, widow, and James G. Soulard, Henry G. Soulard, Eliza Soulard, and Benjamin A. Soulard, against the United States; hereof fail not, and have you then there this writ.

[L. s.] Witness the honorable James H. Peck, Esquire, Judge of the United States for the Missouri district, the twenty-first day of April, eighteen hundred and twenty-six. Issued at office in St. Louis, under the seal of said court, the day and year last aforesaid.

ISAAC BARTON, *Clk.*

Upon which said writ, the marshal to whom the same was directed made the following return, to wit:

ST. LOUIS, *April 21, 1826.*

In obedience to this writ, I have herewith, in open court, the body of Luke E. Lawless, Esq., as within commanded.

H. DODGE, *Marshal,*
By JOHN SIMOND, Jr. *Dep. Marshal,*

UNITED STATES,
vs.
Luke E. Lawless.

The defendant in this case having been brought into court by attachment, and the court having demanded of him whether he would answer interrogatories, or would purge himself of the contempt charged upon him; and the said defendant having refused to answer interrogatories, and having persisted in the contempt, the court doth find that the said defendant is guilty of the contempt to this court, as charged in the said rule.

UNITED STATES,
vs.
Luke E. Lawless.

The defendant in this case having refused to answer interrogatories, and having persisted in the contempt, it is ordered, adjudged, and considered, that the said defendant be committed to prison for twenty-four hours, and that he be suspended from practising as an attorney or counsellor at law, in this court, for eighteen calendar months from this day.

MISSOURI DISTRICT, *scd.*

I, Isaac Barton, Clerk of the Court of the United States for the Missouri district, do hereby certify, that the above and foregoing is a full, true, and perfect transcript of the record in the cases of the United States against Stephen W. Foreman, and the United States against Luke E. Lawless, for contempt.

[L. s.] In testimony whereof, I have hereunto set my hand, and affixed the seal of said court, at St. Louis, the ninth day of August, in the year of our Lord one thousand eight hundred and twenty-six.

ISAAC BARTON, *Clerk.*

ST. LOUIS CIRCUIT COURT.

MARCH TERM, 1826.

STATE OF MISSOURI, }
County of St. Louis, } *ss.*

Upon the petition of Luke E. Lawless, setting forth that he is at present confined in the common jail of St. Louis county, by virtue of a warrant or order of the district court of Missouri, charged with having refused to answer interrogatories, and having persisted in a contempt, it is ordered, that a writ of habeas corpus issue to the sheriff, to bring into court, forthwith, the body of the said Luke E. Lawless, together with the day and cause of his caption and detention. Whereupon the sheriff brings into court the body of the said Luke E. Lawless, and makes his return on said writ as follows, to wit: "In obedience to this writ, I have herewith, in open court, the body of Luke E. Lawless; the cause of his detention will appear from a certain order, rule, or warrant, herewith enclosed, by virtue of which he was committed to my custody, in the common jail of St. Louis county, April 21st, 1826. JOHN K. WALKER, *Sheriff.*" Whereupon, on examination of the paper purporting to be a commitment issued by the said district court, and finding that the same is not authenticated by the seal of said court, it is ordered that the said Luke E. Lawless be discharged from the custody of the said sheriff.

STATE OF MISSOURI, }
County of St. Louis, } *ss.*

I, Archibald Gamble, Clerk of the Circuit Court for the county of St. Louis, do certify the above to be a true copy of an order made by the said circuit court, at the March term, in the year of our Lord one thousand eight hundred and twenty-six, upon a writ of habeas corpus, upon which the said Luke E. Lawless was brought before the court.

Witness, Archibald Gamble, Clerk of said court, at office, this sixth day of September, in the year one thousand eight hundred and [L. s.] twenty-six, and of the Independence of the United States of America the fifty-first.

ARCHIBALD GAMBLE, *Clerk.*"